

William A. Hocker
Level I Water Operator
Moquino MDWCA

~~PO Box 124~~
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Friday, July 13, 2007

RE: Potential Violation of the Open Meetings Act

Mary H. Smith
Assistant Attorney General
State of New Mexico
111 Lomas Blvd. NW Ste. #300
Albuquerque, NM 87102

Dear Counselor Smith:

First, I want to thank you and your colleague for the information you provided on the *Open Meetings Act* and the *Inspection of Public Records Act* at the *Consejo* meeting June 21st – 22nd, 2007 in Alcalde and, second, for taking the time to educate Land Grants and Mutual Domestic Water Consumers' Associations (MDWCA) within the Land Grants on the statutes.

The Bibo MDWCA (BMDWCA) had posted for a board meeting on June 23, 2007 for the purpose of having an election of board members and other pertinent business since the President Eloy Saavedra had, unfortunately, passed away. My wife, Leane, President of the Moquino MDWCA, and I planned to attend for the purpose of discussing the possibility of establishing mutual aid agreements with neighboring communities {Cebolletita(Bibo) and Cebolleta} regarding wastewater as advised by Cynthia Rex of the Rural Communities Assistance Corporation and Valerio Lopez of the New Mexico Environment Department. Unfortunately, another community member of the Land Grant had passed away earlier in the week and the Bibo meeting was rescheduled for Sunday, June 24, 2007.

Martha Chavez, President of the Cebolleta Land Grant Board of Trustees, Leane, and I were asked to leave the meeting by the Board Member presiding over the meeting Erlinda Saavedra before she even inquired as to why we were attending. She stated that it was a closed meeting for Bibo residents only. President Chavez informed her that asking us to leave was a violation of the *Open Meetings Act* and requested support from Cibola County Commissioner Edward Michael who stated that the act only applied to the Land Grant and not the water associations. Former Cibola County Commissioner Albino Saavedra concurred and made a motion that the meeting be closed to Bibo residents only. The membership voted to adjourn the meeting and post it as a "closed private meeting" for July 7, 2007 at a private business and we were warned not to attend. At this time we exited the meeting and did not attempt to attend the closed meeting.

Other officials who attended the meeting and know or should know about the act and voted to close the meeting and schedule a "closed meeting" for the following week were:

- Phillip Vallejos, former Chief of the Cebolleta Volunteer Fire Department who always posted meetings in accordance with the act seconded the motion.

- Daniel Gonzales who sits on the Cibola County Planning and Zoning Commission and has been "wagging" his finger at the Land Grant Board for the past four years because they were not in compliance with the act due to the fact that he had been to trainings as a P & Z board member.
- Onesimo Armijo, former and current Cebolleta Land Grant Board Member who was on the board in 2004 that voted to make the Land Grant a public body.
- Alex Griego, Jr., the contract certified water operator from Grants who I have attended several operator trainings with and been instructed on how to advise the water board stayed silent and was a part of the closed meeting.

Attached (enclosed) is the notice that was posted and passed out to Bibo residents. This copy came from several Bibo residents who were appalled by the actions of the Bibo board that day. BMDWCA is a public body established under the Sanitary Projects act and does come under the jurisdiction of the *Open Meetings Act*.

We do believe some corrective action needs to take place to ensure that the democratic ideal is best served by a well informed public. My grandmother used to say that nothing disinfects like sun light so I can understand why the *Open Meetings Act* is referred to as the "sunshine law."

Thank you in advance for addressing this issue and for keeping us informed of the outcome.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Bill", written in a cursive style.

William A. Hocker